

August 15, 2014

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
August 15, 2014

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 10:30 A.M. AT 607 EAST ADAMS STREET, SUITE 801, SPRINGFIELD, ILLINOIS

II. PRESENT

Garrett P. FitzGerald, Chairman; James B. Anderson, Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); Elizabeth Whitehorn (by telephone), Mike Quinlan, John Logsdon, and Chris Nickols, Illinois Department of Central Management Services; Justin Cajindos (by telephone), Office of the Governor; Emily Monk (by telephone), Illinois Department of Commerce and Economic Opportunity; Mary Milano (by telephone), Teresa Parks, Helen Godlewski (by telephone), and John Wank, Illinois Guardianship and Advocacy Commission; Marc Miller and Chris McCloud, Illinois Department of Natural Resources; Beth Duesterhaus, Administrative and Regulatory Shared Services Center-Illinois Department of Revenue; and Lisa Cook, Emma Steimel, and Robert Fanning, Office of the Illinois Attorney General.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD ON JULY 18, 2014

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD ON JULY 18, 2014.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

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V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Illinois Dept. of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	140.....	18
Agriculture	336.....	20
Arts Council	15.....	2
Capitol Development Board.....	47.....	0
Central Management Services	1,430.....	115
Children and Family Services	2,622.....	51
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	361.....	68
Commerce Commission	72.....	0
Corrections.....	10,890.....	99
Criminal Justice Authority	55.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	9.....	1
Emergency Management Agency.....	81.....	5
Employment Security.....	1,301.....	30
Environmental Protection Agency.....	800.....	17
Financial & Professional Regulation.....	434.....	45
Gaming Board	157.....	6
Guardianship and Advocacy	102.....	7
Healthcare and Family Services	2,099.....	26
Historic Preservation Agency.....	166.....	16
Human Rights Commission.....	15.....	2
Human Rights Department.....	145.....	9
Human Services	11,868.....	74
Illinois Torture Inquiry Relief Commission	3.....	1
Independent Tax Tribunal	1.....	0
Insurance	233.....	16
Investment Board	4.....	2
Juvenile Justice.....	1,006.....	23
Labor	90.....	11
Labor Relations Board Educational.....	12.....	2
Labor Relations Board State.....	21.....	2
Law Enforcement Training & Standards Bd.	17.....	2
Lottery.....	135.....	6
Military Affairs	119.....	3
Natural Resources	1,242.....	30
Pollution Control Board	22.....	2
Prisoner Review Board.....	17.....	0
Property Tax Appeal Board.....	32.....	1
Public Health.....	1,144.....	43
Racing Board.....	2.....	1
Revenue.....	1,767.....	54
State Fire Marshal	130.....	12
State Police.....	1,114.....	6
State Police Merit Board	5.....	2
State Retirement Systems.....	102.....	2
Transportation	2,163.....	0
Veterans' Affairs.....	1,329.....	9
Workers' Compensation Commission.....	134.....	11
TOTALS	44,000.....	858

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

* * *

C. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported the following:

The first three requests are from the Department of Commerce and Economic Opportunity (DCEO) and were continued from last month. One of the issues impacting all three requests is the overall number of exempt positions in the agency. The agency presently has approximately 361 employees and 70 of them are already principal policy exempt.

- As to Item C1, this request is from DCEO and is for an Assistant Deputy Director of Marketing, a position that reports to the Deputy Director who reports to the Director. This position would have principal policy responsibility for strategic long term planning for the Office of Marketing, as well as manage new marketing initiatives for the agency. Staff had concerns that this was insufficient standing alone to support a principal policy exemption, especially since its superior exempt Deputy Director “Plans, develops, formulates and implements an Agency-wide strategic marketing plan.” It seemed odd that there would be both short-term and long-term strategic marketing plans.

In response to Staff concerns, the agency noted that P.A. 98-0397 effective last year created the Illinois Business Development Council, an entity that is to develop an overall strategic business development plan for the State. Part of this specifically includes developing business marketing plans for the State. This law also mandates that the agency prepare a strategic economic development plan for the State on an annual basis. The agency indicated that as it set about developing this plan, it received a significant amount of feedback that there was an insufficient amount of marketing of the State’s economic development efforts. The agency responded by filling the Deputy Director of Marketing position which had been vacant over one year. It also created this requested position as part of a renewed emphasis on marketing.

The Staff also had a concern over the long term planning function since the agency already has an exempt Deputy Director and Assistant Deputy Director of Policy Development, Planning and Research. These positions “Develops strategic planning, policy development and review of new agency programs.” The agency responded that marketing is not within the scope of this office.

Due to the above concerns and a generic observation that marketing is something of an agency-wide responsibility considering its mission, Staff was unable to recommend approval of this request.

Emily Monk, Chief Operating Officer-Department of Commerce and Economic Opportunity, responded that the position has significant long-term planning responsibilities which include not only marketing but advertising, trade shows, and determining what the agency’s message and branding should be. She noted how there has been much negative noise around the agency in the recent past which highlights the need for improved marketing.

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Emily Monk added that if the position descriptions do not sufficiently differentiate the principal policy responsibilities between the positions in this program, the agency can supply clarified position descriptions to show how they support the administration of policy in this area.

- As to Item C2, this is another request from DCEO and is for a Deputy Chief of Staff, a position that reports to the Director. The agency requested that this matter be continued to the September meeting. Staff had no objection to this request.
- As to Item C5, this request is also from DCEO and is for an Illinois Works Manager, a position that reports to the Deputy Director of Employment and Training who reports to the Director. This position will have principal policy formulation and implementation responsibility for State created job training programs throughout the State. There is a significant distinguishing factor in that these are State programs as opposed to Federally funded job training programs. While Federal programs make up the lion's share of job training programs throughout the State, they come with significant record-keeping and other limitations. The State programs are generally more flexible in their application.

While the agency makes a valid distinction by the funding source for its job training programs, Staff had a concern since there is an existing exempt Deputy Director of Employment and Training as well as an exempt Assistant Deputy Director. There was concern that the agency was creating an additional exempt position in a program which was not getting any expanded responsibilities, but just reorganizing its job training programs based on the source of their funding. In addition, the Assistant Deputy Director's position description indicates that it administers some job training programs and coordinates new programs. The agency responded by noting that the significant differences between the State and Federal programs warrant a separate principal policy exempt position for each. Commingling them under the control of the Assistant Deputy Director would create an untenable level of operational complexity.

Staff simply did not see where this reorganization of responsibilities was significant enough to warrant a third principal policy exempt position in this program area so was unable to recommend approval of this request.

Emily Monk responded that there are no new work responsibilities in this area, but a growth in job training programs. There is a trend toward an increase in summer job programs. This is not a mandated increase, but these programs are increasing. Emily Monk again offered that if the concern is that the position descriptions do not adequately distinguish the responsibilities of the positions in this program the agency can provide clarifications.

Commissioner Cummings indicated to the agency representative that she would like to see the positions descriptions redone. There is a gray area between policy making and implementation, and she would like to see more of a distinction between these areas.

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Commissioner Anderson added that he also would like to see more differentiation in the position descriptions. He also indicated that the overall number of exempt positions was not the determining factor in his evaluation.

Commissioner Krey commented that there must be current staff performing these responsibilities already so it was unclear to her why the agency was seeking additional exempt positions in these program areas.

Emily Monk replied that the agency would submit clarified 104s for the requested positions in these program areas so would seek an additional continuance. Chairman FitzGerald indicated concurrence with that request.

- As to Item D, this request is from the Illinois Guardianship and Advocacy Commission (IGAC) and is for a Director of Community Rights Relationships and Resources, a position that reports to the Director. Along with its role providing guardianship services to 7800 of the State's eligible residents, the IGAC also maintains a statutory division called the Human Rights Authority (HRA). The HRA is empowered to investigate any allegations that the rights of disabled persons have been violated.

The Commission has recently had several exemption requests from other agencies related to the Colbert Decree which, generally speaking, deals with the community integration of disabled residents. This initiative also impacts the IGAC as wards it is responsible for may be eligible to participate in this initiative. In addition, the IGAC has statutory mandates to monitor its wards which will be impacted by community integration, and it provides disabled person's rights subject to enforcement by the HRA. The agency created this position and is seeking its principal policy exemption to, essentially, develop and implement policies on behalf of the IGAC to respond to the impact of community integration. These issues include not only housing but education, eligible persons in corrections facilities, and issues unique to those in rural areas. For these reasons, Staff recommended approval of this request.

Dr. Mary Milano, Executive Director of the Illinois Guardianship and Advocacy Commission, concurred with the Staff representations.

- As to Items E1 and E2, these requests are from the Department of Revenue and are for two positions in the Collections Bureau, the Springfield Enforcement and Field Compliance Managers, both of whom report to the Program Director who reports to the Director. Both of these positions were granted principal policy exemptions back in July 2011 but because their collective bargaining status was unclear, it was a term exemption until that issue could be resolved. This past October, both positions were finally excluded from the collective bargaining unit. Since their essential duties have not changed since first granted, Staff recommended approval of these requests. It was noted that their term exemptions actually expired in June but the agency failed to timely resubmit these requests so for continuity of status, if the Commission approves these requests, the approval should be retroactive to June 20, 2014. Beth Duesterhaus, Administrative and Regulatory Shared Services Center-Illinois Department of Revenue, indicated this was an oversight of the agency.

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IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 3-1 (COMMISSIONER KREY VOTED NO AND COMMISSIONER CUMMINGS ABSTAINED), TO CONTINUE THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

- C1: Assistant Deputy Director (Commerce & Economic Opportunity)**
- C2: Deputy Chief of Staff (Commerce & Economic Opportunity)**
- C5: Illinois Works Manager (Commerce & Economic Opportunity)**

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0, TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

- D: Director, Community Human Rights Relationships & Resources (Guardianship and Advocacy Commission)**

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO GRANT THE REQUEST FOR 4D(3) EXEMPTION RETROACTIVE TO JUNE 20, 2014 FOR THE FOLLOWING POSITIONS:

- E1: Springfield Collection Enforcement Director (Revenue)**
- E2: Field Compliance Director (Revenue)**

The following 4d(3) exemption requests were continued to the September 19, 2014 meeting on August 15, 2014:

C1. Illinois Dept. of Commerce & Economic Opportunity

Position Number	40070-42-00-010-05-01
Position Title	Senior Public Service Administrator
Bureau/Division	Marketing
Functional Title	Assistant Deputy Director
Incumbent	Vacant
Supervisor	Deputy Director who reports to the Director
Location	Cook County

C2. Illinois Dept. of Commerce & Economic Opportunity

Position Number	37015-42-00-000-03-01
Position Title	Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Deputy Chief of Staff
Incumbent	Vacant
Supervisor	Director
Location	Cook County

C5. Illinois Dept. of Commerce & Economic Opportunity

Position Number	40070-42-40-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Employment and Training
Functional Title	Illinois Works Manager
Incumbent	Vacant
Supervisor	Deputy Director who reports to the Director
Location	Sangamon County

The following 4d(3) exemption requests were granted on August 15, 2014

D. Illinois Guardianship & Advocacy Commission

Position Number	37015-50-70-020-00-02
Position Title	Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Director-Community Human Rights Relationships & Resources
Incumbent	Vacant
Supervisor	Director
Location	Cook County

E1. Illinois Department of Revenue (granted retroactive to June 20, 2014)

Position Number	40070-25-48-200-00-01 ¹
Position Title	Senior Public Service Administrator
Bureau/Division	Collections/Collection Enforcement
Functional Title	Springfield Collection Enforcement Director
Incumbent	Steven D. Hayes
Supervisor	Collections Program Director who reports to the Director
Location	Sangamon County

E2. Illinois Department of Revenue (granted retroactive to June 20, 2014)

Position Number	40070-25-48-500-00-01 ²
Position Title	Senior Public Service Administrator
Bureau/Division	Collections/Field Compliance
Functional Title	Field Compliance Director
Incumbent	Vincent Cacioppo
Supervisor	Collections Program Director who reports to the Director
Location	Williamson County

¹ Exemption was granted on June 21, 2013 for one year.

² Exemption was granted on June 21, 2013 for one year.

VI. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

The following class titles were submitted for creation or revision by the Director of the Illinois Department of Central Management Services (CMS):

B. Paralegal Assistant (revise)
Corrections Law Library Assistant (create)

C. Food Services Program Manager (revise)

D. Human Services Caseworker (revise)

E. Metrologist Associate (revise)

F. Clinical Psychologist (revise)
Psychologist III (revise)

G. Public Service Supervisor (create)
Public Service Executive (create)

H. Social Services Career Trainee (revise)

I. Veterans Service Officer (revise)

Staff Analysis: Prior to the meeting, Assistant Executive Director Andrew Barris had questions regarding the following class specifications submitted for creation or revision to which Chris Nickols from CMS Technical Services provided the following responses:

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Regarding Item B, Paralegal Assistant and Corrections Law Library Assistant, Barris inquired what the term “discrete class” meant and why are some Corrections Law Library Assistants in collective bargaining units while others are not. Nickols explained that the Corrections Law Library Assistant will be created as a discrete class (separate and distinct) from the Paralegal Assistant class. The interpretation that some Assistants are in a collective bargaining unit while others are not is mistaken. The way this is presented on the proposal forms can seem inaccurate. The Department of Corrections employees (current Paralegal Assistants) performing this work will be grandfathered into the new class, Corrections Law Library Assistant. All current employees will retain their union status, rights and benefits. All future hires into the Corrections Law Library Assistant class will be allocated to positions established within the bargaining unit. None of the incumbents will be reclassified into a non-bargaining unit status class.

The Paralegal Assistant class is in the union. The Corrections Law Library Assistant must be created as a non-bargaining unit class and assigned a Merit System pay rate (MS-11) until it is petitioned for inclusion by the union and the Illinois Labor Relations Board (ILRB) certifies it into collective bargaining. This has not yet happened. For new classes, the proposal will always depict the Merit System (non-bargaining) pay rate. In this case, it is presented alongside a listing for the Corrections Law Library Assistant associated with the anticipated bargaining unit of RC-062 (to be certified by the ILRB as such), and CMS Labor Relations will establish a memorandum of understanding concerning the assignment of the collective bargaining pay rate. This is why the proposal report front page looks the way it does, which is admittedly odd.

Regarding Item C, Food Services Program Manager, Barris inquired if the state would still be involved in any way with licensing. Nickols explained that the Dietetic and Nutrition Services Practice Act, specifically, Section 1245.110, spells out in detail the requirements to be licensed to practice in the State of Illinois as a Dietitian. What it boils down to is the differences in requirements between the two programs. Although both require the same educational components, a nationally accredited curriculum by the Commission on Dietetic Registration for a Registered Dietitian (RD) program requires 300 more hours of supervised clinical practicum than that which the State of Illinois requires for licensure as a Dietitian Nutritionist. The RD requires 1200 hours and the Dietitian Nutritionist requires only 900 hours of supervised practice. The RD is what the agency wants. The RD certification will qualify an individual to be licensed by Illinois as a Dietitian Nutritionist, but an individual who has obtained only the Illinois licensure requirements would not qualify for the national certification. Either practitioner may be referred to as a “Dietitian.”

Regarding Item E, Metrologist Associate, Barris inquired how long the title has been vacant, when was it posted, how long did it go without being able to be filled, and how many applicants applied that weren’t qualified. Given the reduction in qualifications and experience, why is a Metrologist Associate needed as opposed to another class with the same generic qualifications, i.e., Office Assistant?

Nickols explained that the Metrologist Associate class has not been used since 2004. However, an earlier class study in 2011, which was never implemented due to changes in priorities and lack of funds, also was conducted to address problems in hiring

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employees to fill positions in the class. Neither the CMS Division of Examining and Counseling nor the Human Resources Section of Agriculture (the user agency) has readily accessible records of the applicants who did not qualify. Although the former could request the Bureau of Communications and Computer Services to run a report with this information, the data would not be available by the time of the meeting. Although the one year of experience is being removed from the requirements, the educational equivalency component remains the same: equivalent to two years of college with courses in physical sciences, mathematics, physics or engineering. The class also retains the requirement of a working knowledge of a wide range of calibration methods, techniques and instruments. These requirements are more specific than those found in generalist classes and warrant retention of a separate class. John Logsdon from Central Management Services-Technical Services confirmed that the title had been vacant since 2004.

Regarding Item G, Public Service Supervisor and Public Service Executive, Assistant Executive Director Barris inquired if this was the beginning of the fall of broadband titles. Is this being done so the positions remaining in the Public Service Administrator (PSA) class can distinguish themselves and apply for collective bargaining again? Why was an agreement reached regarding collective bargaining if these positions were excluded? What does the phrase mean “more discrete pay ranges” mean? Will some of the positions receive a pay raise in the new class? Will there be options within these new classes?

Chris Nickols, Central Management Services-Technical Services, explained that this is a continuation of the process to remove certain specific work roles from the broadly defined PSA and place them in classes which more closely describe the duties and responsibilities associated with the work roles. The first occurrence was the creation of the Technical Advisor Advanced Program Specialist on May 1, 2005, for certain former PSA option 8L positions (attorneys) located in specific areas within the Departments of Revenue and Financial and Professional Regulation. The Public Service Executive and Public Service Supervisor classes have been created for PSA positions not covered by collective bargaining which were classified as PSA primarily by their supervisory responsibilities. The classes will continue to use the same options established for the PSA. Central Management Services is required by Article XXVI, Section 8 of the master agreement between AFSCME and the State of Illinois to notify the union at least 21 days prior to sending a new class to the Civil Service Commission for approval; this agreement encompasses all classes – regardless of union representation. Nickols opined that in the past, the members of the Civil Service Commission have been unwilling to approve class specifications which have not had a union sign off. “Discrete pay ranges” refers to salary grades that are more narrowly defined than a Broad-Banded Range. An incumbent should not receive a pay raise in this reclassification unless his/her current pay is below the minimum for the new class.

Regarding Item H, Social Services Career Trainee and Item I, Veterans’ Service Officer, Assistant Executive Director Barris inquired how the revisions would affect the probation period for employees in the classes.

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Chris Nickols, Central Management Services-Technical Services, explained that revisions to this Social Services Career Trainee (SSCT) class specification will not affect current practices already in place. All SSCTs whose positions are linked to a target title other than Rehabilitation Counselor serve a trainee status period of six to twelve months. SSCTs that are targeted to become a Rehabilitation Counselor have a trainee period of up to 48 months. The probationary status of any current SSCT would not change from that for which it was set at the time of hire. Additionally, if a person is already employed by the State of Illinois and accepts a position as a SSCT, the length of time that person is in probationary status is four months. If a person is not already employed by the State of Illinois, and accepts a position as a SSCT, the length of time that person is in probationary status is six months. Nickols explained that the probationary period for the Veterans' Service Officer was the same as Item H above. Nickols also explained that the U.S. Department of Veterans Affairs (DVA) accreditation process is not time-dependent. The DVA accreditation is "achieved by completion of the State of Illinois Department of Veterans' Affairs self-paced training and certification testing with a minimum score of 70%."

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO APPROVE THE CREATION AND REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE ON SEPTEMBER 1, 2014:

- B. Paralegal Assistant (revise)**
Corrections Law Library Assistant (create)
- C. Food Services Program Manager (revise)**
- D. Human Services Caseworker (revise)**
- E. Metrologist Associate (revise)**
- F. Clinical Psychologist (revise)**
Psychologist III (revise)
- G. Public Service Supervisor (create)**
Public Service Executive (create)
- H. Social Services Career Trainee (revise)**
- I. Veterans Service Officer (revise)**

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

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Oral Argument before the Commission on Illinois Department of Natural Resources (DNR), Petitioner v. Anthony C. Mayville, Respondent, DA-39-14.

Emma Steimel, Assistant Attorney General, appeared on behalf of the Petitioner and thanked the Commissioners for the opportunity to present oral argument directly to the Commissioners. She briefly recited a history of the appeal and pointed out how this was a simple case of a coal regulator accepting a political donation from a coal company that he regulated. Doing so was a violation of both DNR policy and criminal law. She noted two issues the agency had with Findings of Fact in the Proposal for Decision, and stressed how the Administrative Law Judge found that the check being made out to the Washington County Democrats was a distinction without a difference. She concluded by noting that the Commission does not exist to protect bad employees.

Chairman FitzGerald asked how this contribution was found. Emma Steimel indicated the agency discovered it.

Commissioner Cummings asked if Anthony Mayville was running for State Representative. Emma Steimel indicated yes. Commissioner Cummings followed up by asking if this was one check of many. Emma Steimel indicated it was.

Commissioner Urlacher asked if Anthony Mayville controlled both the County Democrat and his own personal campaign accounts. Emma Steimel stated he did.

Commissioner Cummings asked for confirmation that Anthony Mayville did not bring the contribution to the agency's attention. Emma Steimel acknowledged that he did not.

VII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER ANDERSON, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

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VIII. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 607 East Adams Street, Suite 801, Springfield, Illinois at 11:32 a.m.

PRESENT

Chairman Garrett P. FitzGerald; James B. Anderson, Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director.

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department.

Agency	6/30/14	7/31/14	7/31/13
Aging	2	0	1
Agriculture	0	0	2
Arts Council	0	0	1
Central Management Services	6	3	2
Children and Family Services	6	3	10
Corrections	1	1	0
Criminal Justice Authority	1	1	0
Healthcare and Family Services	10	8	21
Historic Preservation Agency	5	5	0
Human Rights Department	1	1	0
Human Services	4	2	1
Insurance	1	1	1
Juvenile Justice	1	1	0
Natural Resources	28	28	0
Property Tax Appeal Board	0	0	3
Public Health	0	0	2
Revenue	3	3	5
State Police Merit Board	0	0	1
State Retirement Systems	3	1	0
Veterans' Affairs	1	0	4
Totals	73	58	54

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X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-26-14

Employee	Stefon A. Wright	Appeal Date	2/20/14
Agency	Human Services	Decision Date	7/22/14
Appeal Type	Discharge	Proposal for Decision	Uphold discharge.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE WRITTEN CHARGE FOR DISCHARGE HAS BEEN PROVEN AND WARRANTS DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

DA-39-14

Employee	Anthony C. Mayville	Appeal Date	4/15/14
Agency	Natural Resources	Decision Date	7/31/14
Appeal Type	Discharge	Proposal for Decision	60-day suspension plus duration of suspension pending discharge.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER ANDERSON, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE BEEN PARTIALLY PROVEN AND WARRANT A 60-DAY SUSPENSION PLUS THE DURATION OF HIS SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

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XI. APPEAL DISMISSED WITH NO DECISIONS ON THE MERITS

DA-43-14

Employee	Stephen G. King	Appeal Date	5/12/14
Agency	Corrections	Decision Date	8/04/14
Type	Discharge	Proposal for Decision	Dismissed; settled.

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

XII. STAFF REPORT

Executive Director Daniel Stralka reported that:

- As reported last month and in accordance with the Commissioner's direction, Commission Staff sent a letter under the Chairman's signature to the Director of Central Management Services on June 26 seeking information as to the status of Rules grievances. There still has been no response to that request.
- The Commission concluded FY 2014 with a lapse amount of \$41,131 after starting the year with an appropriation of \$379,000. Almost all this lapse can be attributed to the continued vacancy of the Chief Fiscal Officer position.
- The Travel Control Board has issued new regulations that require the amount of an employee's regular commuting mileage to their headquarters to be deducted from any mileage reimbursement. It is unclear if this applies to Commissioners as well.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held on Friday, September 19, 2014 at 11:00 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:34 A.M.